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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



file  
D. Duchene  
11-18-03

In re Application of:

NAOYUKI NISHIKAWA et al.

Application No.: 09/428,454

Filed: October 28, 1999

For: IMAGE PROCESSING  
APPARATUS AND METHOD  
AND RECORDING MEDIUM

Examiner: P. Tran

Group Art Unit: 2621

October 24, 2003

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Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

In response to the September 24, 2003 Election Of Species Requirement, in which Species I to III were defined by the Examiner, Applicants provisionally elect, with traverse, to prosecute Species III which the Examiner defined as the fourth embodiment of the invention as described by Figures 11 to 16. It is respectfully submitted that Claims 19 to 23 and 24 to 33 read on Species III.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 24, 2003

(Date of Deposit)

Dennis A. Duchene, Reg. No. 40,595

(Name of Attorney for Applicant)

Signature

October 24, 2003

Date of Signature

In this regard, Applicants submit that the fifth and sixth embodiments of the invention are modifications of the fourth embodiment, and are close to each other in subject matter. Accordingly, Applicants submit that the fifth and sixth embodiments should be examiner together with the fourth embodiment.

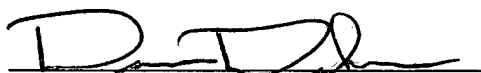
Claim 30 is dependent from Claim 24 and describes setting a series of execution schedules of analysis means. This limitation is seen to substantially show the same operation as an execution timing set recited in Claim 19. In addition, Claim 21 is dependent from Claim 19 and includes the limitation of Claim 24 of "adding the correction parameter to the file." Accordingly, in view of the above, Applicants submit that Claims 24 to 33 correspond to Species III, as well as Claims 19 to 23.

Traversal of the election requirement is on the ground that there would not be undue burden in examining all species in a single application. In particular, it is the prerogative of Applicants to present claims which are directed to a "reasonable" number of species, as the term "reasonable" is used in 37 C.F.R. § 1.141(a). In the present application, only three species have been identified, which is believed to be a "reasonable" number of species in light of the invention and otherwise similar nature of the claims. Accordingly, prosecution of claims directed to Species I, II and III is not believed to be unduly burdensome on the Examiner.

Finally, upon the allowance of a generic claim, Applicant reserves the right to submit for consideration claims directed to non-elected Species I and II which may depend upon, or contain the limitations of, the allowed generic claim.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

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